

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
LOCAL 3621, EMS OFFICERS UNION, DC-37,
AFSCME, AFL-CIO, et al.,

Plaintiffs,

against

THE CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 18 Civ. 4476 (PGG) (SLC)

**ORDER SCHEDULING TELEPHONIC
DISCOVERY CONFERENCE**

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the conference held in this matter yesterday, January 29, 2020, the Court
ORDERS as follows:

(1) Plaintiffs' Requests to Defendants:

(a) Scope of Production of Defendants' Documents: Defendants shall produce responsive documents from 2012 to the present, with the caveat that Defendants will produce responsive documents related to Defendants' promotional policies that were in effect in 2012, even if those policies were issued or created before January 1, 2012. The Court acknowledges that Plaintiffs have reserved their right to serve supplemental document requests.

(b) Affidavit of Defendants' Recordkeeper: Plaintiffs' request for affidavits from Defendants' recordkeeper attesting to the diligent search of responsive documents and/or the absence of such documents is denied without prejudice. If necessary, Plaintiffs may renew the request after the close of discovery.

(c) Personnel Files in Defendants' Custody: Plaintiffs' request for the personnel files of the named plaintiffs and putative class members is denied without prejudice. To the extent that information Plaintiffs are seeking from the personnel files is not produced in other documents, or the Defendants' production evidences that other pertinent information may be contained in those files, Plaintiff may renew the request at that time.

(d) Defendants' Communications Regarding Promotional Policies: Plaintiffs are directed to propose search terms that are appropriately targeted to locate Defendants' communications regarding promotional practices. The parties shall meet and confer to finalize the search terms, and may contact the Court if they cannot reach agreement.

(e) Defendants' Production of Demographic Information: Defendants are directed to produce the requested demographic information from January 1, 2012 to the present. With this supplemental production, Defendants shall include a legend for the abbreviations used in categorizing the information.

(2) Defendants' Requests to Plaintiffs:

(a) Complaints received by Plaintiff Local 3621: Plaintiffs shall provide a privilege log listing any responsive documents to this request for which privilege is being asserted. On review of Plaintiffs' privilege, Defendants should meet and confer with Plaintiffs about any disputed documents on the log, and any disputes may be raised with the Court.

- (b) Statistical Data from Plaintiffs' Expert: The Defendants' request for the data on which Plaintiffs' prior expert relied is denied without prejudice. If this data or the conclusions of Plaintiffs' prior expert are used later in the case, Defendants may renew the request at that time.
- (c) Documents from Named Plaintiffs: Plaintiffs shall provide a privilege log delineating any responsive documents to this request for which privilege is claimed. On review of Plaintiffs' privilege, Defendants should meet and confer with Plaintiffs about any disputed documents on the log, and any disputes may be raised with the Court.
- (3) By close of business on **February 5, 2020**, Defendants shall submit a letter of no more than three (3) pages addressing the discoverability of: (1) unsubstantiated complaints received by Defendants; (2) outside employment of Plaintiffs (Defendants' Document Request No. 23); and, (3) Plaintiffs' health records (Defendants' Document Request No. 19). Plaintiff shall respond in a letter of no more than three (3) pages by the close of business on **February 12, 2020**.
- (4) A telephone conference is scheduled for **Thursday, March 5, 2020 at 10:00 am**. The parties are directed to jointly call Chambers at (212) 805-0214 at the scheduled time. At this conference, the Court shall rule on the discovery issues addressed in the letters and will set a schedule for the remainder of discovery and briefing of the motion for class certification in this action.

Dated: New York, New York
January 30, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge